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BEFORE THE ARIZONA CORPORATION COMMISSION

2 COMMISSIONERS

Arizona Corporation Commission

DOCKETED

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3 DOUG LITTLE – Interim Chairman
4 BOB STUMP
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AZ CORP COMMISSION
DOCKET CONTROL

8 IN THE MATTER OF THE APPLICATION OF
9 LIBERTY UTILITIES (LITCHFIELD PARK
10 WATER AND SEWER), CORP. FOR APPROVAL
11 OF AN EXTENSION OF A CERTIFICATE OF
12 CONVENIENCE AND NECESSITY TO PROVIDE
13 WASTEWATER UTILITY SERVICE IN
14 MARICOPA COUNTY, ARIZONA.

DOCKET NO. SW-01428A-15-0259

PROCEDURAL ORDER
(Modifies Procedural Schedule)

15 BY THE COMMISSION:

16 On July 10, 2015, Liberty Utilities (Litchfield Park Water and Sewer), Corp. ("Liberty") filed
17 with the Arizona Corporation Commission ("Commission") an application requesting that the
18 Commission approve an extension of its current Certificate of Convenience and Necessity ("CC&N")
19 to provide wastewater utility service to include the Zanjero Trails development in Maricopa County,
20 Arizona.

21 On July 28, 2015, Maricopa County Municipal Water Conservation District Number One
22 ("MWD") filed its Application to Intervene.

23 On August 7, 2015, MWD was granted intervention by Procedural Order.

24 Also on August 7, 2015, the Commission's Utilities Division ("Staff") filed a Deficiency
25 Letter.

26 On October 5, 2015, Liberty filed its Response to the Deficiency Letter.

27 On November 6, 2015, Staff filed its second Deficiency Letter.

28 On December 10, 2015, the Company filed its Response to the second Deficiency Letter.

On January 11, 2016, Staff filed a Sufficiency Letter stating that Liberty's application had met
the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

On January 12, 2016, a Procedural Order was issued scheduling an evidentiary hearing to
commence on March 8, 2016, and establishing procedural deadlines.

On January 25, 2016, Liberty filed its Request for Extension of Hearing Date and for Modification of Notice Requirement ("Request"). The Request stated that Liberty's attorneys are unavailable for the March 8, 2016 hearing date and requested a hearing date in April 2016. The Request further stated that publication of the notice as set forth in the January 12, 2016 Procedural Order may not be necessary given that MWD is the sole property owner in the extension area and will be receiving notice by mail.

Liberty's request to extend the hearing date is reasonable and should be granted. Publication of notice in the requested extension territory will be required in order to provide notice to interested parties who may not be property owners in the proposed extension area.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter is **rescheduled to commence on April 26, 2016, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West Washington, Hearing Room No. 2, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Liberty shall provide the updated notice of the hearing in this matter, in the following form and style with the heading in no less than 12-point bold type and the body in no less than 10-point regular type:

**PUBLIC NOTICE OF HEARING ON THE APPLICATION OF LIBERTY
UTILITIES (LITCHFIELD PARK WATER AND SEWER), CORP. FOR
APPROVAL OF AN EXTENSION OF A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE WASTEWATER UTILITY SERVICE IN
MARICOPA COUNTY, ARIZONA.
DOCKET NO. SW-01428A-15-0259**

Summary

On July 10, 2015, Liberty Utilities (Litchfield Park Water and Sewer), Corp. ("Liberty") filed with the Arizona Corporation Commission ("Commission") an application requesting that the Commission approve an extension of its current Certificate of Convenience and Necessity ("CC&N") to provide wastewater utility service to include the Zanjero Trails development in Maricopa County, Arizona.

The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding the application. **The Commission is not bound by the proposals made by Liberty, Staff, or any intervenors.** The Commission will issue a Decision regarding the application following consideration of testimony and evidence presented by all parties at an evidentiary hearing.

How You Can View or Obtain a Copy of the Application

Copies of the application and proposed rates are available from Liberty [COMPANY

1 INSERT HOW AND WHERE AVAILABLE]; at the Commission's Docket Control
 2 Center at 1200 West Washington, Phoenix, Arizona, for public inspection during
 3 regular business hours; and on the Commission's website (www.azcc.gov) using the e-
 4 Docket function.

5 **Arizona Corporation Commission Public Hearing Information**

6 The Commission will hold a hearing on this matter beginning **April 26, 2016, at 10:00**
 7 **a.m.** at the Commission's offices, Hearing Room No. 2, 1200 West Washington,
 8 Phoenix, Arizona 85007. Public comments will be taken on the first day of hearing.

9 Written public comments may be submitted by mailing a letter referencing Docket No.
 10 **SW-01428A-15-0259** to Arizona Corporation Commission, Consumer Services
 11 Section, 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on
 12 the Commission's website (www.azcc.gov) using the "Submit a Public Comment for a
 13 Utility" function. If you require assistance, you may contact the Consumer Services
 14 Section at 602-542-4251 or 1-800-222-7000 (outside the Phoenix metro area).

15 **About Intervention**

16 The law provides for an open public hearing at which, under appropriate
 17 circumstances, interested persons may intervene. An interested person may be granted
 18 intervention if the outcome of the case will directly and substantially impact the
 19 person, and the person's intervention will not unduly broaden the issues in the case.
 20 Intervention, among other things, entitles a party to present sworn evidence at hearing
 21 and to cross-examine other parties' witnesses. However, failure to intervene will not
 22 preclude any interested person or entity from appearing at the hearing and providing
 23 public comment on the application or from filing written comments in the record of
 24 the case.

25 To request intervention, you must file an **original and 13 hard copies** of a written
 26 request to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007,
 27 **no later than April 5, 2016**. You also **must** serve a copy of the request to intervene on
 28 each party of record, on the same day that you file the request to intervene with the
 Commission. Information about intervention and sample intervention requests are
 available on the Commission's website (www.azcc.gov) using the "Intervention in
 Utility Cases" link.

Your request to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and
 telephone number of any person upon whom service of documents is to be made,
 if not yourself;
2. A reference to **Docket No. SW-01428A-15-0259**;
3. A short statement explaining:
 - a. Your interest in the proceeding (e.g., an owner of property in the
 proposed extension area, etc.),
 - b. How you will be directly and substantially affected by the outcome of the
 case, and
 - c. Why your intervention will not unduly broaden the issues in the case;
4. A statement certifying that you have served a copy of the request to intervene on
 the utility or its attorney and all other parties of record in the case; and
5. If you are not represented by an attorney who is an active member of the Arizona
 State Bar, and you are not representing yourself as an individual, sufficient
 information and any appropriate documentation to demonstrate compliance with
 Arizona Supreme Court Rules 31, 38, 39, and 42, as applicable.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
2 that all motions to intervene must be filed on or before April 5, 2016. If
representation by counsel is required by Arizona Supreme Court Rule 31, intervention
will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

3 **ADA/Equal Access Information**

4 The Commission does not discriminate on the basis of disability in admission to its
5 public meetings. Persons with a disability may request a reasonable accommodation
6 such as a sign language interpreter, as well as request this document in an alternative
7 format, by contacting the ADA Coordinator Shaylin Bernal, E-mail
Sbernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as
early as possible to allow time to arrange the accommodation.

8 IT IS FURTHER ORDERED that Liberty shall cause to be **published** in a newspaper of
9 general circulation in the proposed extension area, and shall **mail** to the property owner in the
10 proposed extension area, a copy of the above notice, with **mailing and publication** to be completed
11 no later than **March 22, 2016**.

12 IT IS FURTHER ORDERED that Liberty shall **file a certification of mailing and**
13 **publication** as soon as possible after mailing and publication have been completed, but not later than
14 **4:00 p.m. on April 12, 2016**.

15 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication,
16 notwithstanding the failure of an individual property owner to read or receive the notice.

17 IT IS FURTHER ORDERED that the **Staff Report** and associated exhibits to be presented at
18 hearing shall be reduced to writing and filed on or before **4:00 p.m. on April 5, 2016**.

19 IT IS FURTHER ORDERED that any objections to the Staff Report shall be reduced to
20 writing and filed on or before **4:00 p.m. on April 19, 2016**.

21 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
22 except that all motions to intervene must be filed on or before **4:00 p.m. on April 5, 2016**.

23 IT IS FURTHER ORDERED that any objections to any Motions to Intervene shall be filed on
24 or before **4:00 p.m. on April 19, 2016**.

25 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
26 Communications) applies to this proceeding and shall remain in effect until the Commission's
27 Decision in this matter is final and non-appealable.
28

1 IT IS FURTHER ORDERED that any motion filed in this matter, other than a motion to
2 intervene, that is not ruled upon by the Commission within 20 calendar days of the filing date of the
3 motion shall be deemed denied.

4 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
5 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac*
6 *vice*.

7 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
8 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
9 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
10 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for
11 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
12 Law Judge or Commission.

13 IT IS FURTHER ORDERED that the time-frame to process this application is extended by 42
14 days.

15 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
16 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
17 hearing.

18 DATED this 26th day of January, 2016.

19
20
21 
22 SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE

23 Copies of the foregoing mailed/delivered
24 this 26th day of January, 2016 to:

25 Jay Shapiro
26 Shapiro Law Firm, P.C.
27 1819 E. Morten Avenue, Suite 280
28 Phoenix, AZ 85020
Attorney for Liberty Utilities

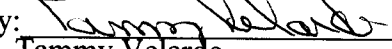
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12 ARIZONA CORPORATION COMMISSION
13 1200 West Washington Street
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22 Videoconferencing
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25 By: 
26 Tammy Velarde
27 Assistant to Sasha Paternoster
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